

JASON D. SMITH, ESQ.  
Nevada Bar No. 9691  
**SANTORO WHITMIRE**  
10100 W. Charleston Blvd., Suite 250  
Las Vegas, Nevada 89135  
Tel.: (702) 948-8771 / Fax: (702) 948-8773  
Email: [jsmith@santoronevada.com](mailto:jsmith@santoronevada.com)

MARC J. PERNICK, ESQ. (*Pro Hac Vice* forthcoming)  
**MAURIEL KAPOUYTIAN WOODS LLP**  
450 Sansome Street, Suite 1005  
San Francisco, California 94111  
Tel.: (415) 738-6334  
Email: [mpernick@mkwllp.com](mailto:mpernick@mkwllp.com)

*Attorneys for Defendant ARTOSS GmbH*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ARTOSS, INC.,

Plaintiff,

v.

ARTOSS GmbH, THOMAS GERBER  
and WALTER GERIKE,

Defendants.

Case No.: 2:22-cv-1640-GMN-VCF

**STIPULATION AND ORDER TO  
WITHDRAW WITHOUT PREJUDICE  
ARTOSS GmbH'S EMERGENCY  
MOTION TO COMPEL DEPOSITION OF  
MPA CONSULTING, LLC AND MOTION  
FOR SANCTIONS**

(Master case pending in District of Delaware,  
Case No. 1:20-cv-00741-RTD)

WHEREAS ARTOSS GmbH filed an Emergency Motion to Compel Deposition of MPA Consulting, LLC ("MPA") and Motion for Sanctions (the "Motion") (ECF Nos. 1, 2) on September 27, 2022;

WHEREAS, on September 29, 2022, the Court ordered a briefing schedule for the Motion and a hearing on the Motion that is set to take place on October 11, 2022 (ECF No. 22);

WHEREAS ARTOSS GmbH and MPA have, since the Motion was filed, continued to meet and confer regarding the relief sought by ARTOSS GmbH in the Motion;

WHEREAS ARTOSS GmbH and MPA have reached a compromise regarding the relief sought by ARTOSS GmbH in the Motion; and

WHEREAS the parties agree that, until the deposition of MPA is completed, the Court

1 should retain jurisdiction over this matter for purposes of resolving any disputes regarding  
2 compliance or enforcement relating to the deposition of MPA;

3 IT IS HEREBY STIPULATED AND AGREED between ARTOSS GmbH and MPA  
4 that:

5 1. ARTOSS GmbH agrees to withdraw the Motion without prejudice. The dates set  
6 by the Court in its September 29, 2022 Order (ECF No. 22) may be vacated.

7 2. For purposes of resolving any disputes that may arise with respect to compliance  
8 or enforcement relating to ARTOSS GmbH's deposition of MPA, this matter remains open.

9 3. ARTOSS GmbH and MPA each reserve all their rights and defenses with respect  
10 to this matter and the Motion.

11 Dated this 4th day of October 2022.

Dated this 4th day of October 2022.

12 /s/ Jason D. Smith

/s/ Whitney J. Barrett

13 Jason D. Smith, Esq. (NBN 9691)

Whitney J. Barrett, Esq. (NBN 13662)

14 **SANTORO WHITMIRE**

**CHRISTIENSEN TRIAL LAWYERS**

15 10100 W. Charleston Blvd., Suite 250  
16 Las Vegas, NV 89135

710 S. 7th Street, Suite B  
Las Vegas, NV 89101

17 Tel.: (702) 948-8771 / Fax: (702) 948-8773

Tel.: (702) 357-9977 / Fax: (866) 412-6992

18 Email: [jsmith@santoronevada.com](mailto:jsmith@santoronevada.com)

Email: [wbarrett@christiansenlaw.com](mailto:wbarrett@christiansenlaw.com)

19 Marc J. Pernick, Esq. (*Pro Hac Vice* forthcoming)

*Attorneys for MPA Consulting, LLC*

20 **MAURIEL KAPOUYTIAN WOODS LLP**

21 450 Sansome Street, Suite 1005

22 San Francisco, CA 94111

23 Tel.: (415) 738-6334

24 Email: [mpernick@mkwllp.com](mailto:mpernick@mkwllp.com)

25 *Attorneys for ARTOSS GmbH*

26 Dated this 4th day of October 2022.

27 /s/ Gerald J. Fornwald

Gerald H. Fornwald (MN Bar No. 345647)

Chelsea A. Ahmann (MN Bar No. 0399146)

Cianna G. Halloran (MN Bar No. 0402841)

**WINTHROP & WEINSTINE, P.A.**

225 South Sixth Street, Suite 3500

Minneapolis, MN 55402-4629

Tel: (612) 604-6400 / Fax: (612) 604-6800

Email: [gformwald@winthrop.com](mailto:gformwald@winthrop.com)  
[cahmann@winthrop.com](mailto:cahmann@winthrop.com)  
[challoran@winthrop.com](mailto:challoran@winthrop.com)

Kelly A. Green (DE Bar No. 4095)  
**SMITH KATZENSTEIN & JENKINS LLP**  
1000 West Street, Suite 1501  
Wilmington, DE 19801  
Tel.: (302) 652-8400  
Email: [kag@skjlaw.com](mailto:kag@skjlaw.com)

*Attorneys for Artoss, Inc.*

**IT IS SO ORDERED:**

IT IS HEREBY ORDERED that the  
video conference hearing scheduled  
for 10:00 AM, October 11, 2022, is  
VACATED.



UNITED STATES MAGISTRATE JUDGE

Dated: 10-6-2022